

mobile phase recited in the application is considered to be a distinct species. The Examiner requests Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

The Examiner alleges that there would be an undue examination and search burden for these patentable distinct species due to their mutually exclusive characteristics.

Applicants make the following election with traverse. Applicants elect, for the purpose of the present prosecution, 2-butanol, a chiral mobile phase recited in claim 12 of Group II.

However, reconsideration of this restriction requirement is respectfully requested. Applicants respectfully submit that the chiral mobile phases recited in the present application are not mutually exclusive as they all share same structural characteristics. That is, they all possess a chiral carbon and have four different groups attached to the chiral carbon. These chiral mobile phases are all capable of separating enantiomeric analytes disclosed in claim 9, which is a generic claim to the elected invention of Group II.

Applicants respectfully submit that examination and search for the chiral mobile phases disclosed in the present application would not impose an undue burden on the Examiner, because 1) they all share common structural features, and 2) the number of the molecular structures of the chiral mobile phases recited in the application is limited as each R group in the chiral molecule is selected from the Markush group disclosed in claim 9.

Further, this election is made with the understanding that upon allowance of the generic claim (claim 9), Applicants will be entitled to the consideration of

additional chiral mobile phases which is written in dependent form of the R groups recited the allowed generic claim.

Conclusion

Applicants respectfully submit that the present Application is in condition for allowance which action is earnestly solicited.

Customer No. 43840

Reg. No. 29,809

Respectfully submitted,


Anthony J. Janick
Attorney for Applicants